Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers	)	CC Docket No. 01-92
	)	
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
	)	
Deployment of Wireline Services Offering Advanced Telecommunications Capability	)	CC Docket No. 98-147
	)	

To: The Commission

COMMENTS OF DOBSON COMMUNICATIONS CORPORATION

Ronald L. Ripley
Senior Corporate Counsel
Dobson Communications Corporation
14201 Wireless Way
Oklahoma City, Oklahoma 73134
(405) 529-8376

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SUMMARY

Dobson supports the Federal Communications Commission's ("FCC" or "Commission") inquiry into the obligation of incumbent local exchange carriers ("ILECs") to provide unbundled access to elements of their networks, including dedicated transport to commercial mobile radio service ("CMRS") providers. Dobson urges the Commission to use this opportunity to affirm that CMRS providers are "requesting telecommunications carriers" entitled to nondiscriminatory access to unbundled network elements ("UNEs"), particularly dedicated transport.

Dobson does not believe that it is appropriate or necessary to analyze the UNE "necessary" and "impair" standards on a service-specific basis. Rather, the Commission should recognize that all requesting telecommunications carriers, including CMRS providers, are impaired without access to UNEs. Even if a service-specific analysis is required, however, the Commission must find that CMRS carriers such as Dobson are impaired without access to dedicated transport.

Most importantly, Dobson requests that the Commission clarify its rules pertaining to access to dedicated transport. The Commission should stay true to the intent of the Telecommunications Act of 1996 (the "Act") to allow telecommunications carriers using all network architectures to benefit from the ubiquitousness of the ILECs' networks developed during the monopoly era. Specifically, the Commission should require ILECs to provide unbundled dedicated transport from the ILEC end office to CMRS providers' mobile switching centers ("MSC") and base stations. To this end, the Commission should modify its existing rules to recognize the ability of CMRS providers' networks to perform switching functions in a manner that is functionally equivalent to the switching performed in the wireline context.

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I. Introduction

In recognition of the history of telecommunications monopolies, the Telecommunications Act requires that the incumbents unbundled those elements of their network that competitors need in order to compete. The purpose of the Notice of Proposed Rulemaking in these consolidated proceedings is to examine the progress in competition since the passage of the 1996 Telecommunications Act, in order to assess the effectiveness of the current unbundling rules, and to determine whether changes to those rules are warranted.[1] This timely review provides requesting telecommunications carriers the opportunity to present the Commission with a record of what course should be taken to continue toward a truly competitive market.

[1] *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, *Notice of Proposed Rulemaking*, 16 FCC Rcd. 22781, 22782 (rel. Dec. 20, 2001) ("*Triennial Review NPRM*").

Dobson applauds the Commission's efforts in this regard, and supports a review of the incumbents' unbundling requirements that recognizes relevant changes in the telecommunications marketplace. This review of the UNE rules must also recognize, however, the difficult and incremental progress that CMRS carriers have made and must still make to achieve full recognition of their interconnect and unbundling rights under the Act. As a CMRS provider, Dobson is keenly aware of the commonalities between wireless and wireline networks, and how the incumbents are able to use the differences in facilities to justify discriminatory behavior. Accordingly, the service-specific unbundling analysis proposed in this proceeding will only create further delay and harm competition. CMRS providers are already being denied access to unbundled dedicated transport, despite clear rights under the Act. The incumbents should not be permitted to use this proceeding as a further means of obstruction.

The Commission therefore should take this opportunity to promote competition in telecommunications markets by requiring the ILECs to recognize CMRS providers as "requesting telecommunications carriers" entitled to UNES, particularly dedicated transport.

II. Background

CMRS providers such as Dobson are working hard to expand their business in a difficult economy.[2] It is true that, as ILECs suggest,[3] technology has allowed CMRS carriers to come a long way in a brief period. But in comparison to the size and presence of the incumbents, CMRS

[2] Dobson is a leading telecommunications provider headquartered in Oklahoma City, Oklahoma. Through its licensed subsidiaries, Dobson currently owns or manages cellular systems in 17 states. Dobson's wireless markets now stretch from California to Maryland in more than 60 Rural Service Areas ("RSAs") and Metropolitan Statistical Areas ("MSAs"). While the geographic areas in Dobson's system includes low-density suburban areas and some smaller cities, the majority of Dobson's network is considered rural.

[3] Ex Parte Letter from John W. Kure, Executive Director of Federal Policy and Law, Qwest, to Margalie Roman Salas, FCC Secretary, CC Docket No. 96-98 (filed September 26, 2001) ("Qwest Ex Parte") at 2.

providers are still struggling competitors. CMRS providers will never be a real competitive alternative for consumers without access to the incumbents' legacy network.

The CMRS industry's relations with the ILECs have generally been marred by conflict. CMRS providers fought long and hard against unreasonable interconnection rates and charges to receive traffic.[4] Based on the conclusion that CMRS providers are co-carriers that offer telephone exchange service, the Commission set forth a new framework for the treatment of CMRS carriers, on nondiscriminatory rates, terms and conditions.[5] In recognition of the ability of the incumbents to use their bottleneck facilities to the detriment of CMRS carriers, the Commission required the ILECs to provide broadband CMRS services through a separate affiliate, noting concern that "increased competition within the CMRS marketplace, and the development of fixed wireless services, may create even larger incentives for anticompetitive conduct by all incumbent LECs."[6] Despite such recognition by the Commission, the ILECs continue to search out new ways to decline CMRS carriers their rights under the Act.

Dobson currently orders primarily T1s and T3s out of the ILECs' private line tariffs. Dobson uses the ordered trunk to connect its MSCs and base stations to the ILEC end offices. The majority of the circuits ordered do not require special construction, and are part of the ILEC's existing network. Dobson has inquired regarding purchasing these circuits from ILECs as UNEs and has been informed by ILECs that CMRS carriers are not permitted to order UNEs. Without explanation or cause, the incumbents have determined that their obligations to unbundle

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[4] *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,* CC Docket No. 96-98, *First Report and Order*, 11 FCC Rcd. 15499, 16039 (rel. August 8, 1996) ("*Local Competition Order*"). *See also Local Competition Order*, Separate Statement of Commission Rachelle B. Chong.

[5] *Local Competition Order,* 11 FCC Rcd. at 16000.

[6] *Amendment of the Commission's Rules to Establish Competitive Service Safeguards for Local Exchange Carrier Provision of Commercial Mobile Radio Services,* WT Docket No. 96-162, *First Order on Reconsideration and First Memorandum Opinion and Order,* 14 FCC Rcd 11343, 11346-11347 (rel. June 30, 1999)("*First CMRS Order on Reconsideration*").

dedicated transport extend only to landline carriers. Through this proceeding, the Commission now has the opportunity to set the record straight that, when the Act permits "all requesting telecommunications carriers" to order UNEs, the incumbents may not arbitrarily exclude any subset of service providers.

III. CMRS Providers are "Requesting Telecommunications Carriers" Under the Act

In the *Triennial Review NPRM*, the Commission considers the ILECs' unbundling obligations and, in particular, how these obligations pertain to CMRS providers.[7] Behind this analysis is the Commission's goal of ensuring a regulatory framework that "remains current and faithful to the pro-competitive, market-opening provisions of the 1996 Act."[8]

Section 251(c)(3) of the Act requires the ILECs to provide UNEs to "any requesting telecommunications carrier for the provision of a telecommunications service."[9] Both the Act and the Commission recognize that CMRS providers are "requesting telecommunications carriers" entitled to UNEs on a nondiscriminatory basis. Per the definition in the Act, CMRS providers offer "telecommunications services" to the public for a fee, and therefore are "telecommunications carriers."[10] The Commission directly recognized this fact in the *Local Competition Order*, wherein it concluded that "all CMRS providers are telecommunications carriers."[11] The definition of "telecommunications carrier" in the Commission's rules

[7] *Triennial Review NPRM*, 16 FCC Rcd. at 22788.
[8] *Triennial Review NPRM*, 16 FCC Rcd. at 22782-22783. Indeed, Commissioner Michael J. Copps noted concern that the proceeding not "turn into an attempt to undermine the competitive framework that Congress adopted in the 1996 Act." *Triennial Review NPRM*, Separate Statement of Commissioner Michael J. Copps.
[9] Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§ 251 *et seq*; 47 U.S.C. § 251(c)(3).
[10] 47 U.S.C. §§ 153(49), 153(51).
[11] *Local Competition Order*, 11 FCC Rcd. at 15989.

specifically includes CMRS carriers.[12] As telecommunications carriers, CMRS providers are entitled to UNEs under Section 251(c)(3).

IV. All "Requesting Telecommunications Carriers" Are Impaired Without Access to Dedicated Transport

In the *Triennial Review NPRM*, the Commission seeks comment on whether it should consider "various approaches to unbundling that take into consideration specific services" provided by the requesting carrier.[13] Dobson opposes modifying the unbundling analysis to consider the ILECs' obligations on the basis of the requesting carrier's services. Such a proposal has no basis in the Act, and will cause great harm to competitive providers of telecommunications services. Indeed, the Commission already has determined that requesting carriers are impaired without access to UNEs, including dedicated transport.

Section 251(d)(2) of the Act states that "[i]n determining what network elements should be made available . . . the Commission shall consider, at a minimum, whether . . . failure to provide access to such network elements would impair the ability of the telecommunications carrier seeking access to provide the services that it seeks to offer."[14] Applying this standard in the *Local Competition Order*, the Commission concluded that "incumbent LECs must provide interoffice transmission facilities on an unbundled basis to requesting carriers."[15]

On appeal of the *Local Competition Order*, the Supreme Court required the Commission to consider alternatives to the incumbent's network, such as self-provisioning and third parties.[16] In the *UNE Remand Order*, the Commission added to its analysis consideration of "the availability of alternative elements outside the incumbent's network" to determine whether "lack of access to that element materially diminishes a requesting carrier's ability to provide the

[12] 47 C.F.R. § 51.5.
[13] *Triennial Review NPRM*, 16 FCC Rcd. at 22789.
[14] 47 U.S.C. § 251(d)(2).
[15] *Local Competition Order*, 11 FCC Rcd. at 15717.

services it seeks to offer."[17] Again, even while raising the bar on what qualifies as a UNE, the Commission concluded that telecommunications carriers are impaired without access to interoffice transport facilities.[18]

The language of Sections 251(c)(3) and 251(d)(2) does not require the Commission to identify UNEs based on the services the requesting carrier provides. Nowhere in the Act is the Commission obligated to analyze the requesting carrier's services in order to determine access to UNEs.[19] To the contrary, the language of the Act is consciously broad, in recognition of the commonalities of competitive carriers.[20]

The Commission asks whether the *Supplemental Order Clarification* supports an unbundling analysis based on the services of the requesting carrier.[21] The ILECs incorrectly argue that it does.[22] The Commission's decision in the *Supplemental Order Clarification* was based, however, on a question – whether carriers could use UNEs to provide access services –

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[16] *AT&T v. Iowa Utils. Bd.*, 525 U.S. 366 (1999).
[17] *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*, 15 FCC Rcd. 3696, 3725 (1999) *("UNE Remand Order")*.
[18] *Id.*
[19] *Petition for Declaratory Ruling of AT&T and VoiceStream, in Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98 (filed Nov. 19, 2001) ("*ATTW/VoiceStream Petition*") at 6.
[20] The Commission recognizes that the language in Section 251(d)(2) pertaining to "the services that [the requesting carrier] seeks to offer" is "ambiguous," and does not necessarily require the Commission to consider the requesting carrier's services in a separate impair analysis. *Triennial Review NPRM*, 16 FCC Rcd. at 22799; *See also Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, *Supplemental Order Clarification*, 15 FCC Rcd. 9587, 9595 (rel. June 2, 2002)("*Supplemental Order Clarification")*.
[21] *Triennial Review NPRM*, 16 FCC Rcd. at 22798.
[22] See, *e.g.*, Ex Parte Letter from W. Scott Randolph, Director of Regulatory Affairs, Verizon, to Margalie Roman Salas, FCC Secretary, CC Docket No. 96-98 (filed August 22, 2001) ("Verizon Ex Parte") at 4; Ex Parte Letter from Jay Bennett, Executive Director of Regulatory Affairs, SBC Telecommunications Inc., to Margalie Roman Salas, FCC Secretary, CC Docket No. 96-98 (filed July 10, 2001) ("SBC Ex Parte"); Qwest Ex Parte at 2 (citing *Supplemental Order Clarification*, 15 FCC Rcd. at 9587).

that has significant "legal and policy ramifications" related to universal service.[23] The presence of that issue in that decision hardly supports a need to analyze all UNES on a service-specific basis in all cases. Indeed, Dobson does not seek to convert circuits ordered from the incumbents' special access tariffs into loop/transport combinations. Nor does Dobson's right to purchase dedicated transport have any ramifications for universal service. Rather, Dobson merely wishes to convert transmission facilities purchased out of the ILECs' tariffs into dedicated transport.

Precedent shows that in the past the Commission chose not to support application of a service-specific "necessary" and "impair" analysis to the unbundling of UNEs. A service specific unbundling analysis was not applied when the Commission concluded that the incumbents are required to unbundled 911 databases to CMRS providers.[24] In reaching this determination, the Commission relied upon its conclusion in the *UNE Remand Order* that all requesting carriers are impaired without access to the incumbent's 911 databases, without separately asking whether CMRS providers are impaired without access to such databases.

Further, a service-specific approach to the unbundling analysis would be administratively unworkable. For example, in the *Triennial Review NPRM*, the Commission identifies three possible different types of services – telephone exchange service, exchange access, and CMRS.[25] These categories are not mutually exclusive; the Commission has concluded that CMRS carriers provide telephone exchange service.[26] Efforts by the Commission to identify categories of service for the purpose of applying separate unbundling analysis will be endless and complicated. The Commission recognizes that such an analysis could "stifle innovation and

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[23] *Supplemental Order Clarification*, 15 FCC Rcd. at 9589, n.9.
[24] *Revision of the Commissions Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Second Memorandum Opinion and Order*, 14 FCC Rcd. 20850, 20889-90 (1999).
[25] *Triennial Review NPRM*, 16 FCC Rcd. at 22799.
[26] *Local Competition Order*, 11 FCC Rcd. at 16000.

creativity."[27] Indeed, the Commission already rejected the ILECs' attempts to have unbundling determined on a "market specific" or "geographic" basis in the *UNE Remand Order*.[28] As services continue to change and evolve with technology, the Commission will never be able to create clear and distinct service categories.

V. Even If A Service-Specific Analysis Is Needed, CMRS Carriers Are Clearly Impaired Without Access to Dedicated Transport

If the Commission were to conclude that CMRS providers are a separate category of service provider for purposes of determining rights to UNEs, the Commission must find that CMRS providers are impaired without access to dedicated transport. The current impairment analysis looks distinctly at the availability of alternative elements outside the incumbent's network.[29] Despite some growth in alternative facilities, the ubiquitousness of the ILECs' transport networks remains unmatched. CMRS providers currently do not have sufficient alternatives to ordering out of the incumbents' tariffs to permit ILECs to avoid an obligation to unbundle dedicated transport for CMRS carriers.

While Dobson acknowledges that there are some non-ILEC providers of transport circuits available, the alternatives are not, at this stage, sufficient to meet the needs of a CMRS carrier – particularly not in those predominately rural areas that Dobson serves. Without a ubiquitous footprint of facilities, non-ILEC providers do not offer a true alternative. Dobson therefore remains highly dependant on the incumbents' offerings. As the Commission also has concluded

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[27] *Triennial Review NPRM*, 16 FCC Rcd. at 22799.
[28] *UNE Remand Order*, 15 FCC Rcd. at 3810-3811.
[29] In the *Triennial Review NPRM*, the Commission articulated the factors considered in the *UNE Remand Order* to determine whether lack of access to an element materially diminishes a requesting carrier's ability to provide service: (1) the costs incurred using alternatives to the incumbent's network; (2) delays caused by use of alternative facilities; (3) material degradation in service quality; (4) the ability of a requesting carrier to serve customers ubiquitously using its own facilities or those acquired from third-party suppliers; and (5) the impact that self-

that ordering out of the ILECs' tariffs is not an alternative to ordering dedicated transport, Dobson is truly impaired without access to dedicated transport as a UNE.[30]

In a recent petition filed by BellSouth Corporation, SBC Communications, and Verizon, these ILECs ask for the Commission to determine that no requesting carriers are impaired without access to dedicated transport.[31] In support of this conclusion, these carriers point to alternative transport options that are distinctly focused on competitive local exchange carriers ("CLECs").[32] Dobson orders longer transport segments in predominantly rural areas, as opposed to the majority of CLECs that order higher capacity transport in metropolitan areas. Thus, such "alternatives" are not viable for Dobson's needs.

Indeed, CMRS carriers are uniquely disadvantaged because they have more geographically dispersed needs than CLECs.[33] As the *ATTW/VoiceStream Petition* points out, "wireless carriers require transport between virtually every incumbent LEC end office in the entire area served by the wireless carrier."[34]

Without a nationwide, quality alternative at competitive rates, CMRS carriers lack any real alternative to purchasing transport from the incumbents' tariffs.[35] The Commission's investigation into this issue should determine that, while CMRS providers may have the ability to order transmission circuits from alternative providers in the future, that day has yet to come.

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provisioning a network element or obtaining it from a third-party supplier may have on network operations. *Triennial Review NPRM*, 16 FCC Rcd. at 22786.

[30] *UNE Remand Order*, 15 FCC Rcd. at 3734.

[31] *Joint Petition of BellSouth, SBC and Verizon for Elimination of Mandatory Unbundling of High-Capacity Loops and Dedicated Transport*, CC Docket No. 96-98 (filed April 5, 2001) ("*ILEC Joint Petition*").

[32] *ILEC Joint Petition*, at 19.

[33] *See ATTW/VoiceStream Petition*, at 7.

[34] *Id.*

[35] *UNE Remand Order*, 15 FCC Rcd. at 3846: "Requiring carriers to self-provision, or acquire from third-party providers, extensive interoffice transmission facilities materially increases the costs of market entry or of expanding service, delay broad-based entry, and limits the scope and quality of competitor's service offerings." *Id.*

VI. ILECs Should Be Required to Unbundle Dedicated Transport from the ILEC End Office to the CMRS Provider's Mobile Switching Centers

The Commission's rules presently define dedicated transport as all technically feasible capacity levels of the incumbent LEC transmission facilities that "provide telecommunications between wire centers owned by incumbent LECs or requesting telecommunications carriers, or between switches owned by incumbent LECs or requesting telecommunications carriers."[36] Dobson's requests to the incumbents to provide transmission facilities between the ILEC switching facilities and Dobson's switching facilities have been repeatedly denied because the ILECs conclude that CMRS carriers' facilities do not meet the definition of dedicated transport.[37] Dobson therefore asks the Commission to conclude that the facilities within CMRS providers' network qualify as a "switching facility," and that CMRS providers are entitled to dedicated transport to interconnect their MSCs and their transmitters with ILEC end offices.[38]

In the *TSR Wireless Order*, the Commission recognized that "Mobile Transport and Switching Offices . . . perform functions equivalent to end office switching."[39] The ILECs do not dispute that "end-office like functions are performed at the MSC."[40] Thus, the segment of interoffice transport ordered from the ILEC's end office switching facility to the CMRS provider's MSC meets the definition of dedicated transport. At the very least, the Commission should definitively clarify that CMRS providers are entitled to purchase dedicated transport between the MSC and the incumbents' facilities.

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[36] 47 C.F.R. § 51.319(d).
[37] *See also ATTW/VoiceStream Petition*, at 4.
[38] *ATTW/VoiceStream Petition*, at 2.
[39] *TSR Wireless, LLC v. U.S. West Comm., Inc.*, FCC 00-194, *Memorandum Opinion and Order*, 15 FCC Rcd. 11166, 11179-11180 (2000) ("*TSR Wireless Order*").
[40] Verizon Ex Parte at 3.

VII. ILECs Should Be Required to Unbundle Dedicated Transport from the ILEC End Office to the CMRS Provider's Base Station

At issue in the *Triennial Review NPRM* is the interoffice transport segment from the ILEC end office to the CMRS providers' base station.[41] Dobson agrees with the *ATTW/VoiceStream Petition* that the Commission should recognize that, in the CMRS providers' networks, switching functions take place at both the MSC and the base station, and that both of these facilities *combined* provide the wireless networks with switching functionality.[42]

The CMRS network qualifies for unbundled dedicated transport because the MSC and the base station together switch CMRS traffic.[43] The ILECs reject requests to unbundle this link for CMRS carriers based on the incorrect premise that the base station alone does not perform any switching functionality.[44] This argument fails to acknowledge that the base station is an important component to the CMRS carriers' network. "Working together," the *ATTW/VoiceStream Petition* notes, "the base stations and central controllers . . . switch[ ] the call from cell site to cell site."[45]

Indeed, the base station and the MSC perform much the same switching functions as the central office ("CO") and remote terminal ("RT") in the CLECs' networks. The incumbents do not dispute that the CLECs' COs and RTs perform switching. Accordingly, the incumbents offer the CLECs unbundled dedicated transport to these facilities. The base station is integral to switching functions in the CMRS network, and the base station and the MSC together perform similar switching functionality to that which occurs in the CLECs' networks.

The ILECs further argue that the rules require that both the MSC and the base station be a

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[41] *Triennial Review NPRM*, 16 FCC Rcd. at 22787-22788; *citing ATTW/VoiceStream Petition*.
[42] *ATTW/VoiceStream Petition*, at 14.
[43] *Id*.
[44] Verizon Ex Parte at 2; SBC Ex Parte at 1.
[45] *Id.*

switch or a wire center for carriers to purchase dedicated transport as a UNE.[46] This argument highlights the LECs' misunderstanding of the CMRS providers' networks. The built-in efficiencies of the CMRS network—permitting the MSC and the base station to switch traffic in tandem—should not preclude CMRS carriers from their rights under the Act. Indeed, as the *ATTW/VoiceStream Petition* points out "the MSC by itself cannot terminate a call to an end user."[47] The base station is a necessary part of the switching functionality of the CMRS providers' networks. Thus, transport to the base station should be available to CMRS carriers as a UNE.

Although the functions provided by the MSC and the base station together encompass the Commission's current definition of dedicated transport, the Commission should take this opportunity to revise the definition of "dedicated transport" to include all methods of switching, irrespective of the technology used. Without such access, CMRS providers are required to pay the rates provided in the ILECs' special access tariffs, to their customer's detriment. Congress's intent for the Act to be inclusive of new technologies and capabilities is reflected in both the Commission's definitions of "termination" and "transport," which provide that a carrier other than the ILEC may have an "equivalent facility" to perform its end office switching.[48]

The Commission originally concluded that "the rules we establish for unbundling interoffice transport should maximize competitors' flexibility to use new technologies in combination with existing LEC facilities."[49] This goal should be recognized in CMRS carriers' ability to purchase dedicated transport. The Commission should clarify its definition of the term

[46] Verizon Ex Parte, at 1-2.
[47] *See ATTW/VoiceStream Petition*, at 19.
[48] 47 C.F.R. §§ 51.701(c)-(d).
[49] *Local Competition Order*, 11 FCC Rcd. at 15719.

"dedicated transport" in rule 51.319(d) to include functionally equivalent switching facilities including CMRS base stations.[50]

CONCLUSION

As "requesting telecommunications carriers," CMRS carriers are entitled to order unbundled network elements from the incumbents. Further, the Commission should continue its review of the incumbents' nondiscriminatory unbundling requirements, and need not consider the services provided by the requesting carrier in determining the network elements to be made available.

Finally, the Commission should amend its rules to recognize that CMRS carriers' facilities perform switching that is functionally equivalent to wireline carriers, and should require unbundling of dedicated transport between ILEC end offices and CMRS providers' facilities. The Commission should therefore clarify that CMRS providers may order dedicated transport between and among MSCs, base stations, and the incumbents' facilities.

Respectfully submitted,

By: _____

Ronald L. Ripley
Senior Corporate Counsel
Dobson Communications Corporation
14201 Wireless Way
Oklahoma City, Oklahoma 73134
(405) 529-8376

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[50] *Triennial Review NPRM,* 16 FCC Rcd. at 22809-22810 (the Commission questions whether it should modify the existing definitions of dedicated transport).